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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

OCT -5 AM 9:33

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Manuel DELGADO

Defendant.

Magistrate Case No. '07 MJ 2380

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about **October 4, 2007**, within the Southern District of California, defendant, **Manuel DELGADO**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at the **Otay Mesa** Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), (557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Signature of Complainant
Sara Esparagoza
Customs and Border Protection Officer

Sworn to before me and subscribed in my presence this 5th day of October 2007.


United States Magistrate Judge

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PROBABLE CAUSE STATEMENT

On October 4, 2007 at approximately 2:52 PM, **Manuel DELGADO (Defendant)**, made application for admission to the United States from Mexico at the Otay Mesa Port of Entry via the vehicle primary lanes as a passenger in a Lincoln Towncar. Defendant presented his California identification card to a Customs and Border Protection (CBP) Officer. Defendant was the subject of a computer-generated referral and the vehicle and its occupants were subsequently escorted to secondary for further inspection.

During secondary inspection, Defendant orally declared himself to be a United States citizen by birth in Granada Hills, California. Defendant further stated he was going to San Fernando, California. Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS), which verified Defendant's identity. Further queries through the Immigration Central Index System and the Deportable Alien Control System revealed Defendant was ordered deported from the United States on September 6, 1996 and physically removed from the United States through the San Ysidro, California Port of Entry on the same date. Immigration service records indicate the Defendant has not applied for nor received permission from the Attorney General or the Secretary of Homeland Security to legally re-enter the United States.

At approximately 7:53 PM, Defendant was placed under arrest and advised of his Miranda Rights. Defendant elected to waive his right to counsel and gave the following statement: Defendant admitted being a citizen of Mexico. Defendant admitted he lied to the CBP Officer by telling him he was a citizen of the United States. Defendant stated he was deported from the United States and has not applied for permission to legally re-enter the United States. Defendant stated he was going to Pacoima, California to see his family.